

EXHIBIT G
PART 5 OF 6

**REDACTED VERSION OF
DOCUMENT SOUGHT TO BE
SEALED**



"Patent Markets", American Intellectual Property Law Association, 2007 Mid-Winter Institute, New Orleans, January 24-27, 2007.

"Assessing the Real Value of Your IP Portfolio" and "Growing IP Impact on Public and Semi-Public Markets", The 5th Annual Summit on Monetizing, Financing & Securitizing IP, New York, January 30-31, 2007.

"Ocean's 300", Moderator, World Intellectual Property Review 2007, pp. 16-20.

"The Intellectual Property Marketplace: Emerging Transaction and Investment Vehicles", Co-author with Cardoza, Gray and Conroy, *The Licensing Journal*, Aspen Publishers, Vol. 27, No. 2, pages 1 - 11, February 2007.

"The Importance of Emerging Intellectual Property Market Opportunities to the City of Chicago", Keynote Speaker, Notre Dame Club of Chicago Meeting, Chicago, March 8, 2007.

"The Intellectual Property Marketplace", Harvard Business School Club of New York, New York, April 12, 2007.

Keynote Address, BRICs & Mortar: Technological Drivers in Booming Economies of Brazil, Russia, India and China, Northwestern University Journal of Technology & Intellectual Property Second Annual Symposium, Chicago, April 13, 2007.

"Innovation Measurement: The Economic Impact of Patent Value", Co-author with Barney, Cardoza, Walker and Gray, Submission to United States Department of Commerce Economics and Statistics Administration, Pursuant to Notice in the Federal Register, Vol. 72, No. 71, 18627, May 11, 2007.

"Objective Patent Valuation", Business Meeting, Association of Corporate Patent Counsel, Newport, Rhode Island, June 27, 2007.

"Intellectual Property Exchange Chicago", a two day symposium presented by The National Knowledge & Intellectual Property Management Taskforce and The Center for Applied Innovation, Moderator and Speaker, July 17 – 18, 2007, Chicago.

"Start-up Stories: Tales from the Front Line", TiE Midwest, August 1, 2007, Chicago.

Keynote Address, Notre Dame Financial Executives Alumni Conference, September 21, 2007, South Bend, Indiana.

"The Birth of an IP Marketplace", Missouri Bar Association Seminar, November 2, 2007, St. Louis, Missouri.

"Market Forces and IP", The Giles S. Rich American Inn of Court, Howard University, January 17, 2008.



“Market for Technology: Challenges and Opportunities”, Panel Discussion on Impediments to Technology Markets, Duke University’s Fuqua School of Business, February 20, 2008.

“IP Markets – An Intangible Walk Down Wall Street”, Keynote Address, Securities Industry and Financial Markets Association, March 11, 2008, New York.

“Patent Valuation, Is there One or Many?”, Mini-Plenary Session of the High Tech Sector, The Licensing Executives Society International Annual Meeting, May 7, 2008, Chicago.

“What is Patent Quality – A Merchant Banc’s Perspective”, with Jonathan A. Barney, *les Nouvelles*, June 2008, p. 123 – 134.

“Intangibles in the Firm and Financial Markets”, *Intangible Assets: Measuring and Enhancing Their Contribution to Corporate Value and Economic Growth*, The National Academies, Washington DC, June 23, 2008.

“Developing IP Markets: Opportunity for the Financial Services Industry”, Keynote Address, The 5th Annual Patents & The Financial Services Industry Symposium, New York, July 29, 2008.

“New Trends in Monetizing IP Rights: Trolls, Licensing and Securitization”, *Managing Intellectual Property* Webinar, September 3, 2008.

“Magnificent Mile – Shopping for the Ideal IP Expert”, DRI Intellectual Property Litigation Seminar, September 4-5, 2008, Chicago.

From Assets to Profits: Competing for IP Value and Return, Contributing Author, Edited by Bruce Berman, John Wiley & Sons, November 2008.

Ocean Tomo: The New Kid on the (Auction) Block is All Grown Up, Institute for Law and Technology, 46th Annual Conference on Intellectual Property Law, November 10 – 11, 2008, Plano, Texas.

Federal Trade Commission: The Evolving Intellectual Property Marketplace, Keynote Address, Public Hearings, April 17, 2009, Washington, DC.

“Protecting and Commercializing New Ideas”, CoreNet Global Chicago Chapter Meeting, Chicago, May 13, 2009.

“The Future of the IP Marketplace”, Moderator and Plenary Speaker, IP Markets 2009, Chicago, July 23, 2009.

“Staying Ahead of the Curve – Strategic Intelligence, Value Assessments and Monetization in a Highly Competitive Economy”, The 6th Annual Patents & The Financial Services Industry Conference, New York City, July 28-29, 2009.

“Helping Companies in a Down Economy: Strategic Planning for Identifying and Valuing Your IP”, American Bar Association Annual Meeting, Chicago, July 31, 2009.



"Managing IP During Uncertain Times", NanoBusiness Alliance Conference, Chicago, September 8, 2010.

National Economic Framework for Intellectual Property Based Commerce, A Research Report by the National Knowledge & Intellectual Property Management Taskforce, Net Worth Press, 2009.

"The Role of IP in Tough Economic Times and How to Use it to Your Advantage: Corporate Recovery and Restructuring", Licensing Executives Society Annual Meeting, San Francisco, October 19, 2009.

"Global IP Market Development", 11th Annual Utah IP Summit, Salt Lake City, February 13, 2010.

"Law, Economics, Business and Policy Implications for Innovation and Competition of Diverse Business Models for Using Patents", Stanford University Hoover Institution Annual Conference, Stanford, California, June 25, 2010.

"Establishing an Objective Value of IP", IPO Annual Meeting, Atlanta, September 14, 2010.

"Intellectual Property and the Marketplace: Hot Topics Impacting the Role of Patents, Trademarks and Copyrights in Today's Business World", Vedder Price Illinois Continuing Legal Education Forum, Chicago, October 6, 2010.

"IP Essentials for the Chief Executive Officer", Illinois Technology Association, Chairman's Dinner Keynote Speaker, Chicago, October 20, 2010.

"Valuation of IP in Emerging Market Platforms", 2010 IP Damages Institute, CalCPA Education Foundation, Los Angeles, November 8, 2010.

"Shifting Sands: What is Discoverable and Admissible for Damages, Willfulness and Other Purposes", Intellectual Property Owners Association CLE Roundtable, Washington, DC, March 21, 2011.

"Intellectual Property: From Asset to Asset Class", Intellectual Property Strategies for the 21st Century Corporation, Bryer, Lebson & Asbell Editors, John Wiley & Sons, Inc., 2011.

"The Next Big Think in Monetizing IP: A Natural Progression to Exchange-Traded Units", Ian D. McClure co-author, *LANDSLIDE*, A Publication of the ABA Section of Intellectual Property Law, Volume 3, Number 5, May/June 2011, pp. 32-37.

"Risk Management Strategies to Defend Against Patent Trolls and the New Trend in Patent Royalty Trusts", 2011 Congress on Patent Strategies for the Financial Services Industry, New York, September 19-20, 2011.

"Patent Quality and its Impact on Valuation", Licensing Executives Society United States and Canada, Inc., Annual Meeting, San Diego, October 17, 2011.



Introduction, "LESI Global Technology Impact Forum (GTIF) Creates Tech Transfer Platform", *les Nouvelles*, Journal of the Licensing Executives Society International, Volume XLVII No. 2, June 2012.

Panelist, "IP Monetization", McDermott Will & Emery 2012 Intellectual Property Symposium, Chicago, June 14, 2012.

Keynote Address, Northwestern Law Fifth Annual Conference on Entrepreneurship and Innovation, Chicago, June 14, 2012.

"IP Market Development", 38th Annual Intellectual Property Law Summer Institute, Sponsored by the Intellectual Property Law Section of the State Bar of Michigan, Traverse City, Michigan, July 21, 2012.

"An Investors' Perspective on IP", CenterForce IP Strategy Summit, New York City, New York, November 13, 2012.

"Investing in IP", DealFlow Media Webinar, January 10, 2013.

"Evolving IP Marketplace", American Intellectual Property Law Association, Mid-Winter Meeting, Tampa, Florida, February 1, 2013. Includes paper: *New Emphasis on the Analytical Approach of Apportionment In Determination of a Reasonable Royalty* by James E. Malackowski, Justin Lewis and Robert Mazur.

"An Inventor's Walk Down Wall Street", PatCon 3 at Illinois Institute of Technology Chicago-Kent School of Law, Chicago, April 12, 2013.

Report on Judge Rader Comments at the 2013 LESI Annual Conference, LES Global News, Vol. XLVIII No. 2, June 2013.

"Strategic Insights", Plenary Panel Discussion, IPBC 2013, IP Business Congress, Boston, June 9, 2013.

"IP and Antitrust", Panel Discussion, McDermott 2013 IP Symposium, June 13, 2013, Chicago.

IP Investments and Markets Presented by the Center for Applied Innovation, Panelist on IP Marketplace, Chicago, June 25-26, 2013.

Capturing Innovation, Irish Entrepreneurs: An Affiliate Group of the Notre Dame Club of Chicago, Chicago, September 5, 2013.

Preventing the Napsterization of 3D Printing: Areas for Industry Collaboration and Transparency, Inside 3D Printing Conference and Expo, San Jose, California, September 18, 2013.

The Latest Thinking about Non-Practicing Entities, 2013 AIPLA Annual Meeting, Washington, DC, October 25, 2013.



Challenges and Opportunities in Asia, Think Asia, Think Hong Kong: IP, Technology & China/U.S. Opportunities, The Hong Kong Business Association of the Midwest, Chicago, November 19, 2013.

Rationalizing Remedies, The 2013 Patent Institute presented by Cravath Swain & Moore, New York, December 5, 2013.

Special Address: Looking to the Future of the Intellectual Property Marketplace – Where Will We Be in 2020?, Best Practices in Patent Monetization, Law Seminars International, San Francisco, March 6-7, 2014.

Reinventing Finance: Funding Innovation Beyond Silicon Valley, Forbes Reinventing America Summit, Chicago, March 27-28, 2014.

IP Pricing – Current Issues for Markets and Courts, Georgia State University / Licensing Executives Society Joint Meeting, Atlanta, May 28, 2014.

The Growing Global 3DP IP Market & How Much Is At Stake, 3D Printing Politics, Washington D.C., September 17, 2014.

The Changing Role of the Expert, 2014 IP Institute presented by the Engleberg Center on Innovation Law & Policy at New York University and Cravath, Swaine & Moore, LLP, New York, December 4, 2104.

“Intellectual Property Exchange”, Dallas Chapter Meeting of the Licensing Executives Society (USA & Canada), Inc., Dallas, January 22, 2015.

“Actavis, Valuation, and Fairness Opinions”, 2015 Generic Pharmaceutical Association Annual Meeting, Miami, February 9-11, 2015.

Patent Damages Roundtable, USC Gould School of Law 2015 Intellectual Property Institute, Los Angeles, March 23, 2015.

“Intellectual Property Impact on M&A”, Transaction Advisors Midwest Symposium, Chicago, September 17, 2015

“The Changing Landscape of Patent Value and Patent Risks”, 2016 Berkeley Law / Cleary Gottlieb M&A-IP-Antitrust Conference, Berkeley Center for Law, Business and the Economy, San Francisco, January 29, 2016.

**INTERNATIONAL
SPEECHES AND
PUBLICATIONS**

“Taxation Issues when Licensing with the U.S.”, Licensing Executives Society International, South Africa Conference, January 28, 1996.

“Intellectual Property Damages: Advanced Case Studies”, Licensing Executives Society Annual Meeting, Puerto Rico, September 30, 1996.

“License Agreement Royalty Audits: Untapped Riches Or Fool's Gold?”, Licensing Executives Society Annual Meeting, Puerto Rico, October 1, 1996



“Valuation of IPR”, Conference on Appeals Related to Intellectual Property, Bucharest, Romania, November 20, 1997.

“Avaliacao e Contabilizacao de Propriedade Intelectual – Metodologia e Aspectos Fiscais”, XIX Seminario Nacional de Propriedade Intelectual, Rio de Janeiro, Brazil, August 16, 1999.

“Avaliacao e Contabilizacao de Propriedade Intelectual”, Conferencia pela Consulate General of the United States of America, Sao Paulo, Brazil, August 18, 1999.

“Avaliacao e Contabilizacao de Propriedade Intelectual”, Conferencia pela Consulate General of the United States of America, Curitiba, Brazil, August 20, 1999.

“IP Valuation Trends”, Licensing Add-on Seminar, LESI Annual Conference, Krasnapolsky, Amsterdam, Netherlands, May 21, 2000.

“Intellectual Property from a Board Room Window”, Plenary Session II LESI Strategies, LESI Annual Conference, Krasnapolsky, Amsterdam, Netherlands, May 23, 2000.

“Due Diligence in an Intellectual Capital Focused Investment”, LES Annual Conference Add-on Session, Toronto, September 14, 2000.

“What’s New in Intellectual Property Asset Management”, Panel Discussion, 8th Annual Intellectual Property Law Institute, State Bar of Georgia, Puerto Vallarta Mexico, November 15, 2002.

“Les brevets en tant qu’actifs économiques: comment les exploiter au mieux” and “Brevets et financement: couvrir les couts, trouver des investisseurs”, Un System Du Brevet Competitif Pour L’Europe, sponsored by the European Patent Office, Brussels, May 3-4, 2006.

“What is Patent Quality?”, Co-author with Jonathan A. Barney, Paper Presented to the Colloquium on a Comprehensive Approach to Patent Quality, Federation Internationale Des Conseils En propriete Industrielle, Amsterdam, June 8-9, 2007.

“Fostering Innovation with Seed Money and Venture Capital”, Licensing Executives Society International Annual Conference, Zurich, June 19, 2007.

“Legal Problems Arising from Auctioning of IPR”, Bi-Annual International Forum, Association Internationale Pour La Protection De La Propriete Intellectuelle, October 6, 2007.

“IP Auctions”, Plenary Address, The Licensing Executives Society Annual Meeting, October 16, 2007, Vancouver, Canada.

“IP Valuation for IPO’s”, Warsaw Stock Exchange Executive Conference, June 27, 2008, Warsaw, Poland.



“IP As A Business Tool”, Licensing Executives Society International Conference, January 29-30, 2009, New Delhi, India.

“Global IP Market Development”, Keynote Address, The Licensing Executives Society Australia and New Zealand, April 2-4, 2009, Canberra, Australia.

“Global IP Market Development”, The Licensing Executives Society Philippines, June 8, 2009, Manila, Philippines.
Entwicklung einer Infrastruktur im Blickpunkt, Der Intellectual Property Exchange, *IP Manager: Journal for the Knowledge Economy*, 01/2009.

“Global IP Market View”, Division des Analyses Economiques et des Statistiques, Organization de Cooperation et de Developpement Economiques, January 8, 2010, Paris, France.

“Global IP Market View”, BusinessEurope Patents Working Group Meeting, The Confederation of European Business a.l.a.b.l., January 28, 2010, Brussels, Belgium.

“Global IP Market View”, Inaugural Annual Conference, LES Turkey, January 29, 2010, Istanbul, Turkey.

“Commercialization Strategies for Industrial Property Assets”, LES Brazil Annual Congress, January 28, 2011, Rio de Janeiro, Brazil.

“Developing Commercial IP Markets”, LES Arab Countries and Abu Dhabi Higher Colleges of Technology Seminar, October 12, 2011, Abu Dhabi, UAE.

“Asian IP Market Development”, LES Asia Pacific Meeting, LES Singapore, November 9-10, 2011, Singapore.

“Patent Auctions & Technology in an Emerging Global Economy”, LES Philippines, November 16, 2011, Manila.

“Tech Transfer for Humanitarian Purpose”, LESI Annual Conference, April 2, 2012, Auckland.

Moderator, “New Challenges in ICT: How to Compete Using IP Assets”, LES Pan European Meeting, Rome, June 12, 2012.

Workshop Panelist, “Accelerate Licensing & Avoid Litigation: Effective Use of Transparency, Investors & Risk Management Tools”, LES Pan European Meeting, Rome, June 12, 2012.

Keynote Speech, “Research Trends Around the Globe on Licensing”, LES Asia Pacific Regional Conference, Tokyo, Japan, September 3, 2012.

“Investing in IP and Developing IP Monetization and Risk Markets: U.S. Perspective”, LES Scandinavia Annual Meeting, Helsinki, Finland, September 12, 2012.



“El Mercado Global De Tecnologia”, LESI Innovation Tour, LES Mexico and Asociacion Mexicana de Directivos de la Investigation Aplicada y el Desarrollo Tecnologico, A.C., Mexico City, Mexico, September 21, 2012.

Research Handbook on Intellectual Property Licensing, Forward, Jacques de Werra, University of Geneva, Editor, Edward Elgar Publishing, 2012.

“Markets for Humanitarian Technology Transfer” and “Adoption by Resolution of LESI IP Business Principles”, LESI Global Technology Impact Forum, Geneva, Switzerland, January 22, 2013.

Forward, Research Handbook on Intellectual Property Licensing, Edited by Jacques de Werra, Edward Elgar Publishing Limited, 2013.

“IP Market Development” / “Simplicity in Global IP Valuation”, LESI Annual Conference, Rio de Janeiro, Brazil, April 10, 2013.

“Collaboration for IP Based Accounting and Reporting”, LESI Global Technology Impact Forum, Geneva, Switzerland, January 20-21, 2014.

“IP Licensing and Intermediaries”, LES Asia-Pacific Regional Conference, Seoul, Korea, November 4-6, 2014.

**TELEVISION, RADIO
AND EDITORIAL**

Bloomberg Morning Call with Brian Sullivan, “Patent Auctions”, March 3, 2006.

CNBC Closing Bell, “Patents for Purchase”, Interview with Maria Bartilomo, April 4, 2006.

CNBC On the Money, “Patents for Sale”, Interview and Report by Scott Wapner, April 7, 2006.

Bloomberg Morning Call with Brian Sullivan, “Ocean Tomo 300 Index” and “Fall Intellectual Property Auction”, September 13, 2006.

CBS WBBM-AM News Radio with Andy Giersher, Noon Business Hour, “New Stock Market Index”, December 2, 2006 plus repeats.

Bloomberg Evening *Market Pulse* with Pimm Fox, “Stock Selections with Strong Patents”, January 9, 2007.

Judge, *Everyday Edisons: Ordinary People, Extraordinary Ideas*, a Public Broadcasting System documentary series, 2nd Season, to be aired 2008.

Bloomberg Final Word with Brian Sullivan, “Changes in IP Laws Affect Stock Price”, March 10, 2008.

FOX Business National, “Investing in Patents”, June 5, 2008.



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FOX Business National, "Capturing Value from IP During a Recession", January 12, 2009.

FOX Business National, "The Value of Technology and Patents in a Chrysler Bankruptcy", May 1, 2009.

FOX Business National, "Exchange Looks to Value Patents", October 5, 2009.

TV Tokyo, "IP Markets, October 4, 2010.

FOX Business National, "Patent Litigation Trends", October 4, 2010.

CNBC Street Signs, "Patent-Palooza", July 26, 2011.

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CNBC Street Signs, "IPXI: Trading Patents in 2012", December 14, 2011.

CEO IntroNet, May 16, 2012.

CNBC Street Signs, "Research In Motion's Patent Portfolio, May 30, 2012.

Crain's Chicago Business, Chicago Business Video, "Preview of the Eureka Index", April 25, 2013.

CNBC Street Signs, "Valuing Intangible Assets", August 5, 2013.

Chicago Tribune Blue Sky Innovation, "Why Robots Roam the Halls...", July 16, 2014.

**EXPERT
TESTIMONY**

01 Communique Laboratory, Inc. v. Citrix Systems, Inc. & Citrix Online, LLC
Civil Action 1:06-CV-0253 (N.D. Ohio)
United States District Court for the District of Massachusetts
Deposition Testimony

Advanced Micro Devices, Inc. and ATI Technologies, ULC v. Samsung
Electronics Co. Ltd. et al.
No. CV-08-0986-SI
United States District Court for the Northern District of California San
Francisco Division
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Advanced Technology Materials, Inc. v. Praxair, Inc.,
Civil Action No.03 CV 5161 (RO)
United States District Court for the Southern District of New York
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A.I.T. Industries, Inc., f/k/a Photocentron, Inc. v. Yordan Vurich and Opti-View, Inc.

Civil Action No.94-C-5196

Deposition Testimony

Allan Stimmel v. Eugene Weiner, Kurt Gutfreund and M & L International, Inc.

Civil Action No. 89 C 6510 (ACW)

United States District Court for the Northern District of Illinois, Eastern Division

Deposition Testimony

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United States District Court for the District of New Jersey

Deposition Testimony

Analog Devices, Inc. v. Christopher Michalski, Kiran Karnik and Maxim Integrated Products, Inc.

Case 01 CVS 10614

State of North Carolina Superior Court Division, County of Guilford

Deposition Testimony

Andrx Pharmaceuticals, LLC v. GlaxoSmithKline, PLC and SmithKline Beecham Corporation

Case No. 05-23264-CIV-Graham/O'Sullivan

United States District Court for the Southern District of Florida

Deposition Testimony

Applied Medical Resources Corporation v. Gaya Limited

AAA Case No. 50 133T00316 06

Arbitration Testimony

Arthur Takeall v. PepsiCo, Inc.

Civil Action S92-766

United States District Court for the District of Maryland

Deposition Testimony

Ashley Furniture Industries v. Laura Ashley Holdings Plc and Laura Ashley, Inc.

AAA File No. 51 133 Y 01056 08

American Arbitration Association

Arbitration and Deposition Testimony

Atlantic Richfield Company, Chevron U.S.A., Inc., Exxon Corporation, Mobil Oil Corporation, Shell Oil Products Company and Texaco Refining & Marketing, Inc. v. Unocal Corporation and Union Oil Company of California and Union Oil Company of California v. Atlantic Richfield Company, Chevron U.S.A., Inc., Exxon Corporation, Mobil Oil Corporation, Shell Oil Products Company and Texaco Refining & Marketing, Inc.

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Trial and Deposition Testimony



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Civil Action No. 96-C 4820
United States District Court for the Northern District of Illinois, Eastern
Division
Deposition Testimony

Aylus Networks, Inc. vs. Apple, Inc.
Case No. 3:13-cv-4700
United States District Court for the Northern District of California
Deposition Testimony

Bath & Body Works Brand Management, Inc. v. Summit Entertainment, LLC
Case No. 11 Civ 1594 (GBD)
United States District Court for the Southern District of New York
Deposition Testimony

Bayer Pharma AG, Bayer Intellectual Property GMBH and Bayer Healthcare
Pharmaceuticals, Inc. v. Watson Laboratories, Inc.
Civil Action No 12-517-GMS
United States District Court for the District of Delaware
Trial and Deposition Testimony

Beloit Corp v. Voith, Inc. & J.M. Voith GmbH
Civil Action No. 92 C 0168 C
United States District Court for the Western District of Wisconsin
Trial and Deposition Testimony

Board of Trustees of the Leland Stanford Junior University and Litton Systems,
Inc. v. Tyco International LTD., Tyco International, Inc., Tyco
Telecommunications, Inc, Tyco Networks, Inc., Lucent Technologies, Inc.,
Agere Systems, Inc., JDS Uniphase Corporation, Ciena Corporation, Pirelli
S.p.A., Ericsson, Inc., Telefonaktiebolaget Lm Ericsson and Ericsson
Microelectronics Ab, Optoelectronic Products.
Case No. Cv-00-10584-TJH (RCx)
United States District Court for the Central District of California – Western
California
Deposition Testimony

Bracco Diagnostics, Inc. v. Amersham Health Inc., Amersham Health AS,
Amersham plc and Amersham Health Inc. v. Bracco Diagnostics, Inc.
Civil Action No. 03-6025
United States District Court for the District of New Jersey
Trial and Deposition Testimony

Brian D. Zdeb, et al v. Baxter International, Inc.
Civil Action No. 91-L-8726
Appellate Court of Illinois, First District, Sixth Division
Trial and Deposition Testimony

Briggs & Stratton Corporation v. Kohler Company
Case No. 05-C-0025-C
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Deposition Testimony

Brocade Communications Systems, Inc. and Foundry Networks, LLC v. A10
Networks, Inc. et al.
Case No. 10-cv-03428 LHK
United States District Court for the Northern District of California San Jose
Division
Trial and Deposition Testimony

Callpod, Inc. v. GN Netcom, Inc. et al.
Case No. 06-CV-4961
United States District Court for the Northern District of Illinois Eastern Division
Deposition Testimony

CareFusion 303 v. Sigma International
Case No 10cv0442 DMS (WMC)
United States District Court for the Northern District of California
Trial and Deposition Testimony

Carter Bryant v. Mattel, Inc. and Consolidated Actions
United States District Court for the Central District of California Southern
Division
Case No. CV 04-9049-DOC (RNBx)
Consolidated with Nos. CV 04-9059 and CV 05-2727
Trial and Deposition Testimony

Catalina Marketing Corp. v. Advanced Promotion Technologies, Inc.
Civil Action No. CV 93-4741 WJR (Sx)
Deposition Testimony

Caterpillar Inc. v. International Truck & Engine Corp., Siemens Diesel Systems
Technology, LLC, Sturman Industries, Inc., Sturman Engine Systems, LLC,
Oded E. Sturman and Carol K. Sturman
United States District Court for the District of South Carolina, Columbia
Division
Case No. 3:03-1739-17
Deposition Testimony

CEATS, Inc. v. Continental Airlines, Inc., AeroSvit Airlines, CJSC, Air China,
Ltd., Air Europa Lineas Aereas, SAU, AirTran Airways, Inc., Alaska Airlines,
Inc., Horizon Air Industries, Inc., All Nippon Airways Co., Ltd., Aerovias Del
Contenente Americano SA, Brendan Airways, LLC, Caribbean Airlines, Ltd.,
Delta Air Lines, Inc., EgyptAir Airlines, Co., Frontier Airlines, Inc., JetBlue
Airways Corporation, Malaysia Airline System Berhad, Qatar Airways
Company QCSC, Alia Royal Jordanian, PLC, TAM, SA, Thai Airways
International Public Co., Ltd., United Air Lines, Inc., US Airways, Inc., Virgin
America, Inc.



Case No. 6:10-cv-120 LED
United States District Court for the Eastern District of Texas Tyler Division
Trial and Deposition Testimony

CEATS, Inc. v. Granada Theater, Live Nation Worldwide, Inc., Ticketmaster, LLC, Tickets.com, Inc., Ticket Software, LLC, Ticket Network, Inc., TicketsNow.com, Inc., TNow Entertainment Group, Inc., Concur Technologies, Inc.

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United States District Court for the Eastern District of Texas Tyler Division
Trial and Deposition Testimony

Cheetah Omni, LLC v. Alcatel-Lucent USA Inc., et al. (on behalf of Tellabs North America, Inc.)

Case No. 6:11CV390
United States District Court for the Eastern District of Texas Tyler Division
Deposition Testimony

Ciba Specialty Chemicals Corporation v. Hercules Inc. and Cytec Industries, Inc.

Civil Action No. 04-293
United States District Court for the District of Delaware
Deposition Testimony

Comair Rotron, Inc. v. Matsushita Electric Corporation of America, et al. - New Jersey Action

Civil Action No. 85-4308 (HLS)
Trial and Deposition Testimony

Commonwealth Scientific and Industrial Research Organization v. Lenovo (United States) et al.

United States District Court for the Eastern District of Texas Tyler Division
Case No. 6:09-cv-00399-LED
Deposition Testimony

Commonwealth Scientific and Industrial Research Organization v. Cisco Systems, Inc.

United States District Court for the Eastern District of Texas Tyler Division
Case No. 6:11-cv-00343-LED
Trial and Deposition Testimony

Commonwealth Scientific and Industrial Research Organization v. MediaTek Inc., et al.

United States District Court for the Eastern District of Texas Tyler Division
Case No. 6:12-cv-578-LED
Deposition Testimony

Computer Generated Solutions, Inc. v. Peter Loral, Loral Incorporated, PJK, Inc. and Belle Loral, LLC

Civil Action No. 97 Civ. 6298 (MBM)
Deposition Testimony



Construction Technology, Inc. v. Cybermation, Inc. et al.
Civil Action No. 91 Civ. 7474 (JSM)
United States District Court for the Southern District of New York
Trial and Deposition Testimony

Cordis Corporation v. SciMed Life Systems, Inc.
Case No. CV 4-96-261
United States Court for the District of Minnesota
Deposition Testimony

CoStar Realty Information, Inc. v. Civix-DDI, LLC and Civix-DDI, LLC v.
LoopNet, Inc.
Case No. 1:12-cv-04968 (consolidated with 07091 and 08632)
United States District Court for the Northeastern District of Illinois Eastern
Division
Deposition Testimony

C.R. Bard v. M3 Systems
Civil Action No. 93 C-4788
Trial Testimony

Curtis Amplatz and Carina Royalty, LLC v. AGA Medical Corporation
Court File No. 27-CV-10-27664
State of Minnesota District Court, County of Hennepin, Fourth Judicial District
Trial Testimony

DaiNippon Screen Mfg., Co. Ltd. et al. v. Scitex Corp. Ltd. et al.
Case No. C 96-3296 FMS
United States District Court for the Northern District of California
Arbitration and Deposition Testimony

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et al.
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United States District Court for the Eastern District of Virginia
Deposition Testimony

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Civil Action No. 94 CIV 1299 (JFK)
United States District Court for the Southern District of New York
Trial and Deposition Testimony

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Case No. 2:14-cv-09791-RGK-PJW
United States District Court for the Central District of California
Deposition Testimony

Durel Corporation v. Osram Sylvania, Inc.
Civil Action No. 95-1750 PHx (EHC)
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Trial and Deposition Testimony



Dynetix Design Solutions, Inc. v. Synopsys, Inc. and Does 1-50
Case No. 5:11-cv-05973-PSG
United States District Court for the Northern District of California
Deposition Testimony

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Case No. 10-cv-08126
United States District Court for the Northern District of Illinois Eastern Division
Deposition Testimony

Edward K. Isbey, Jr. v. Cooper Companies, Inc.
Civil Action No. 89-CVS-3776
Supreme Court of North Carolina
Deposition Testimony

Ellison v. The Chicago Heart Association
Civil Action No. 92-K-706
Deposition Testimony

Emblaze Ltd. v. Apple Inc.
Civil Action No. 45:11-cv-01079-SBA (PSG)
United States District Court for the Northern District of California San Jose
Division
Trial and Deposition Testimony

Enterasys Networks, Inc. v. Extreme Networks, Inc.
Civil Action No. 07-C-0229-C
United States District Court for the Western District of Wisconsin
Trial and Deposition Testimony

Escada Beaute, et al. v. The Limited Inc. et al.
Civil Action No. 92-CIV-7530 (LLS)
United States District Court for the Southern District of New York
Trial and Deposition Testimony

Esquel Enterprises, Ltd., v. TAL Apparel Limited and TALTECH Limited
Civil Action No. C04-974Z
United States District Court for the Western District of Washington at Seattle
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Inventor, United States Patent No. 8,880,031, System of Providing Information to a Telephony Subscriber, November 4, 2014.

Inventor, United States Patent No. 9,058,628, Marketplace for Trading Intangible Asset Derivatives and a Method for Trading Intangible Asset Derivatives, June 16, 2015.

CONTACT

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Oracle America, Inc. v. Google, Inc.

DOCUMENTS CONSIDERED

Exhibit 2

I was provided with access to a Relativity database of materials produced in this case. I reviewed the documents provided therein through keyword searches. The following list contains many of the documents I reviewed in that database, as well as other documents provided to me by counsel, though it should not be considered comprehensive.

Documents Produced by Google

GOOG-00273854 - GOOG-00273874	GOOGLE-22-00072075	GOOGLE-26-00023560 - GOOGLE-26-00023578	GOOGLE-37-00023782 - GOOGLE-37-00023785
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Documents Produced by Oracle

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DOCUMENTS CONSIDERED

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Depositions

Deposition of Jonathan Gold, January 29, 2016 with Exhibits
Deposition of Henrik Stahl, January 14, 2016, with Exhibits
Deposition of Felix Lin, December 14, 2015, with Exhibits
Deposition of Felix Lin, December 18, 2015, with Exhibits

Expert Reports

Expert Report of Chris F. Kemerer, Ph.D., January 8, 2016
Expert Report of Professor Douglas C. Schmidt, Ph.D., January 8, 2016
Expert Report of Robert Zeidman, January 8, 2016
Opening Expert Report of Dr. Owen Astrachan on Technical Issues Relating to Fair Use, January 8, 2016
Opening Expert Report of Roderic G. Cattell, Ph.D., January 8, 2016
Opening Expert Report of Andrew Hall, January 8, 2016
Rebuttal Expert Report of Dr. Owen Astrachan, February 8, 2016
Rebuttal Expert Report of Andrew Hall, February 8, 2016
Expert Report of Dr. Gregory K. Leonard, February 8, 2016
Expert Report of Dr. Itamar Simonson, February 8, 2016
Expert Report of Professor Adam Jaffe, Ph.D., February 8, 2016
Expert Report of Chris F. Kemerer, Ph.D. Regarding Fair Use and Rebuttal to Google's Opening Expert Reports, February 8, 2016
Rebuttal Expert Report of Gwyn Firth Murray, February 8, 2016
Expert Report of Professor Douglas C. Schmidt, Ph.D. Regarding Fair Use and Rebuttal to Google's Opening Expert Reports, February 8, 2016
Reply Expert Report of Chris F. Kemerer, Ph.D., February 29, 2016
Reply Expert Report of Professor Adam Jaffe, Ph.D., February 29, 2016
Reply Expert Report of Professor Douglas C. Schmidt, Ph.D., February 29, 2016

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Trial Exhibits

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Trial Exhibits

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Trial Exhibits

0813	0848	0883	0910	0946	0977	1012	1053
0814	0849	0884	0911	0947	0978	1013	1054
0815	0850	0885	0912	0948	0979	1014	1055
0816	0851	0886	0913	0949	0980	1015	1057
0817	0852	0887	0914	0950	0981	1016	1058
0818	0853	0888	0915	0951	0982	1017	1059
0819	0854	0889	0916	0952	0983	1018	1060
0820	0855	0890	0918	0953	0984	1019	1062
0821	0856	0891	0919	0954	0985	1020	1063
0822	0857	0892	0920	0955	0986	1021	1064
0823	0858	0893	0921	0956	0987	1022	1065
0824	0859	0894	0922	0957	0988	1023	1066
0825	0860	0895	0923	0958.1	0989	1024	1067
0826	0861	0896.1	0924	0958.2	0990	1025	1068
0827	0862	0896.2	0925	0958.3	0991	1027	1069
0828	0863	0896.3	0926	0958.4	0992	1028	1070
0829	0864	0896.4	0927	0958	0993	1030	1071
0830	0865	0896.5	0928	0959	0994	1031	1072
0831	0866	0896.6	0929	0960	0995	1032	1073
0832	0867	0896.7	0930	0961	0996	1033	1075
0833	0868	0896.8	0931	0962	0997	1034	1076
0834	0869	0896	0932	0963	0998	1035	1077
0835	0870	0897	0933	0964	0999	1036	1078
0836	0871	0898	0934	0965	1000	1037	1079
0837	0872	0899	0935	0966	1001	1038	1081
0838	0873	0900	0936	0967	1002	1039	1090
0839	0874	0901	0937	0968	1003	1040	1091
0840	0875	0902	0938	0969	1004	1041	1092
0841	0876	0903	0939	0970	1005	1042	1093
0842	0877	0904	0940	0971	1006	1043	1094
0843	0878	0905	0941	0972	1007	1044	1095
0844	0879	0906	0942	0973	1008	1046	1096
0845	0880	0907	0943	0974	1009	1048	1097
0846	0881	0908	0944	0975	1010	1049	1098
0847	0882	0909	0945	0976	1011	1052	1099

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1100	1206	2023	2058	2093	2128	2163	2199
1101	1208.1	2024	2059	2094	2129	2164	2200
1102	1210	2025	2060	2095	2130	2165	2201
1103	1211	2026	2061	2096	2131	2166	2203
1104	1212	2027	2062	2097	2132	2167	2204
1105	1213	2028	2063	2098	2133	2168	2205
1106	1214.1	2029	2064	2099	2134	2169	2206
1107	1214	2030	2065	2100	2135	2170	2207
1108	1215	2031	2066	2101	2136	2171	2208
1109	1216	2032	2067	2102	2137	2172	2209
1110	1217	2033	2068	2103	2138	2173	2210
1111	1218	2034	2069	2104	2139	2174	2211
1112	1219	2035	2070	2105	2140	2175	2212
1113	2000	2036	2071	2106	2141	2176	2213
1114	2001	2037	2072	2107	2142	2177	2214
1115	2002	2038	2073	2108	2143	2178	2215
1116	2003	2039	2074	2109	2144	2179	2216
1117	2004	2040	2075	2110	2145	2180	2217
1118	2005	2041	2076	2111	2146	2181	2218
1119	2006	2042	2077	2112	2147	2182	2219
1120	2007	2043	2078	2113	2148	2183	2220
1125	2008	2044	2079	2114	2149	2184	2221
1126	2010	2045	2080	2115	2150	2185	2222
1127	2011	2046	2081	2116	2151	2186	2223
1128	2012	2047	2082	2117	2152	2187	2224
1129	2013	2048	2083	2118	2153	2188	2225
1130	2014	2049	2084	2119	2154	2189	2226
1131	2015	2050	2085	2120	2155	2190	2227
1132	2016	2051	2086	2121	2156	2191	2228
1133	2017	2052	2087	2122	2157	2192	2229
1201	2018	2053	2088	2123	2158	2193	2230
1202	2019	2054	2089	2124	2159	2194	2231
1203.1	2020	2055	2090	2125	2160	2196	2232
1204	2021	2056	2091	2126	2161	2197	2233
1205	2022	2057	2092	2127	2162	2198	2234

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2235	2270	2305	2340	2377	2412	2447	2482
2236	2271	2306	2341	2378	2413	2448	2483
2237	2272	2307	2342	2379	2414	2449	2484
2238	2273	2308	2343	2380	2415	2450	2485
2239	2274	2309	2344	2381	2416	2451	2486
2240	2275	2310	2345	2382	2417	2452	2487
2241	2276	2311	2346	2383	2418	2453	2488
2242	2277	2312	2348	2384	2419	2454	2489
2243	2278	2313	2349	2385	2420	2455	2490
2244	2279	2314	2350	2386	2421	2456	2491
2245	2280	2315	2351	2387	2422	2457	2492
2246	2281	2316	2352	2388	2423	2458	2493
2247	2282	2317	2353	2389	2424	2459	2494
2248	2283	2318	2354	2390	2425	2460	2495
2249	2284	2319	2355	2391	2426	2461	2496
2250	2285	2320	2356	2392	2427	2462	2497
2251	2286	2321	2357	2393	2428	2463	2498
2252	2287	2322	2358	2394	2429	2464	2499
2253	2288	2323	2359	2395	2430	2465	2500
2254	2289	2324	2360	2396	2431	2466	2501
2255	2290	2325	2361	2397	2432	2467	2502
2256	2291	2326	2362	2398	2433	2468	2503
2257	2292	2327	2363	2399	2434	2469	2504
2258	2293	2328	2364	2400	2435	2470	2505
2259	2294	2329	2365	2401	2436	2471	2506
2260	2295	2330	2366	2402	2437	2472	2507
2261	2296	2331	2367	2403	2438	2473	2508
2262	2297	2332	2368	2404	2439	2474	2509
2263	2298	2333	2369	2405	2440	2475	2510
2264	2299	2334	2370	2406	2441	2476	2511
2265	2300	2335	2372	2407	2442	2477	2512
2266	2301	2336	2373	2408	2443	2478	2513
2267	2302	2337	2374	2409	2444	2479	2514
2268	2303	2338	2375	2410	2445	2480	2515
2269	2304	2339	2376	2411	2446	2481	2516

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2517	2552	2587	2622	2657	2694	2724	2759
2518	2553	2588	2623	2658	2695	2725	2760
2519	2554	2589	2624	2659	2696	2726	2761
2520	2555	2590	2625	2660	2697	2727	2762
2521	2556	2591	2626	2661	2698	2728	2763
2522	2557	2592	2627	2662	2699	2729	2764
2523	2558	2593	2628	2663	2700	2730	2766
2524	2559	2594	2629	2664	2701	2731	2767
2525	2560	2595	2630	2665	2702	2732	2768
2526	2561	2596	2631	2666	2703	2733	2769
2527	2562	2597	2632	2667	2704	2734	2770
2528	2563	2598	2633	2668	2705	2735	2771
2529	2564	2599	2634	2669	2706	2736	2772
2530	2565	2600	2635	2670	2708	2737	2773
2531	2566	2601	2636	2671	2709	2738	2774
2532	2567	2602	2637	2672	2710	2739	2775
2533	2568	2603	2638	2673	2711	2740	2776
2534	2569	2604	2639	2674	2712	2741	2777
2535	2570	2605	2640	2675	2713	2742	2778
2536	2571	2606	2641	2676	2714	2743	2779
2537	2572	2607	2642	2677	2715	2744	2780
2538	2573	2608	2643	2678	2716	2745	2781
2539	2574	2609	2644	2679	2717	2746	2782
2540	2575	2610	2645	2680	2718.1	2747	2783
2541	2576	2611	2646	2681	2718.2	2748	2784
2542	2577	2612	2647	2682	2718.3	2749	2785
2543	2578	2613	2648	2683	2718.4	2750	2786
2544	2579	2614	2649	2684	2718.5	2751	2787
2545	2580	2615	2650	2685	2718.6	2752	2788
2546	2581	2616	2651	2688	2718	2753	2789
2547	2582	2617	2652	2689	2719	2754	2790
2548	2583	2618	2653	2690	2720	2755	2791
2549	2584	2619	2654	2691	2721	2756	2792
2550	2585	2620	2655	2692	2722	2757	2793
2551	2586	2621	2656	2693	2723	2758	2794

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2795	2829	2864	2898	2932	2966	3001	3037
2796	2830	2865	2899	2933	2967	3002	3038
2797	2831	2866	2900	2934	2968	3003	3039
2798	2832	2867	2901	2935	2969	3004	3040
2799	2833	2868	2902	2936	2970	3005	3041
2800	2834	2869	2903	2937	2971	3006	3042
2801	2835	2870	2904	2938	2972	3007	3043
2802	2836	2871	2905	2939.1	2973	3008	3044
2803	2837	2872	2906	2939	2974	3009	3045
2804.1	2838	2873	2907	2940	2975	3010	3046
2804	2839	2874	2908	2941	2976	3011	3047
2805	2840	2875	2909	2942	2977	3012	3048
2806	2841	2876	2910	2943	2978	3013	3049
2807	2842	2877	2911	2944	2979	3014	3050
2808	2843	2878	2912	2945	2980	3015	3051
2809	2844	2879.01	2913	2946	2981	3016	3052
2810	2845	2879	2914	2947	2982	3017	3053
2811	2846	2880	2915	2948	2983	3018	3054
2812	2847	2881	2916	2949	2984	3019	3055
2813	2848	2882	2917	2950	2985	3020	3056
2814	2849	2883	2918	2951	2986	3021	3057
2815	2850	2884	2919	2952	2987	3022	3058
2816	2851	2885	2920	2953	2988	3023	3059
2817	2852	2886	2921	2954	2989	3024	3060
2818	2853	2887	2922	2955	2990	3025	3061
2819	2854	2888	2923	2956	2991	3026	3062
2820	2855	2889	2924	2957	2992	3027	3063
2821	2856	2890	2925.1	2958	2993	3028	3064
2822	2857	2891	2925	2959	2994	3029	3065
2823	2858	2892	2926	2960	2995	3031	3066
2824	2859	2893	2927	2961	2996	3032	3067
2825	2860	2894	2928	2962	2997	3033	3068
2826	2861	2895	2929	2963	2998	3034	3069
2827	2862	2896	2930	2964	2999	3035	3070
2828	2863	2897	2931	2965	3000	3036	3071

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3072	3107	3142	3177	3212	3253	3288	3326
3073	3108	3143	3178	3213	3254	3289	3327
3074	3109	3144	3179	3214	3255	3290	3328
3075	3110	3145	3180	3216	3256	3291	3329
3076	3111	3146	3181	3217	3257	3292	3330
3077	3112	3147	3182	3218	3258	3293	3331
3078	3113	3148	3183	3219	3259	3294	3332
3079	3114	3149	3184	3220	3260	3295	3333
3080	3115	3150	3185	3221	3261	3296	3334
3081	3116	3151	3186	3222	3262	3297	3335
3082	3117	3152	3187	3223	3263	3298	3336
3083	3118	3153	3188	3224	3264	3299	3337
3084	3119	3154	3189	3225	3265	3300	3338
3085	3120	3155	3190	3226	3266	3301	3339
3086	3121	3156	3191	3227	3267	3302	3340
3087	3122	3157	3192	3228	3268	3303	3341
3088	3123	3158	3193	3229	3269	3304	3342
3089	3124	3159	3194	3230	3270	3305	3343
3090	3125	3160	3195	3231	3271	3306	3344
3091	3126	3161	3196	3232	3272	3307	3345
3092	3127	3162	3197	3233	3273	3308	3346
3093	3128	3163	3198	3234	3274	3309	3347
3094	3129	3164	3199	3235	3275	3310	3348
3095	3130	3165	3200	3236	3276	3311	3349
3096	3131	3166	3201	3238	3277	3312	3350
3097	3132	3167	3202	3239	3278	3313	3351
3098	3133	3168	3203	3240	3279	3314	3352
3099	3134	3169	3204	3241	3280	3315	3356
3100	3135	3170	3205	3242	3281	3316	3357
3101	3136	3171	3206	3247	3282	3320	3360
3102	3137	3172	3207	3248	3283	3321	3361
3103	3138	3173	3208	3249	3284	3322	3365
3104	3139	3174	3209	3250	3285	3323	3366
3105	3140	3175	3210	3251	3286	3324	3367
3106	3141	3176	3211	3252	3287	3325	3368

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3369	3405	3443	3481	3516	4007
3370	3406	3444	3482	3517	4008
3371	3407	3445	3483	3518	4009
3372	3408	3446	3484	3519	4010
3373	3409	3447	3485	3520	4011
3374	3410	3448	3486	3521	4012
3375	3411	3450	3487	3522	4013
3376	3412	3451	3488	3523	4014
3377	3413	3452	3489	3524	4015
3379	3416	3453	3490	3525	4016
3380	3418	3454	3491	3526	4017
3381	3419	3455	3492	3527	4018
3382	3420	3456	3493	3528	4019
3383	3421	3457	3494	3529	4020
3384	3422	3458	3495	3530	4021
3385	3423	3459	3496	3531	4022
3386	3424	3460	3497	3532	4023
3387	3425	3461	3498	3533	4024
3388	3426	3462	3499	3536	4025
3389	3427	3463	3500	3537	4026
3390	3428	3465	3501	3538	4027
3391	3429	3467	3502	3539	4028
3392	3430	3468	3503	3540	4029
3393	3431	3469	3504	3542	4030
3394	3432	3470	3505	3543	4031
3395	3433	3471	3506	3544	4032
3396	3434	3472	3507	3545	4033
3397	3435	3473	3508	3546	4034
3398	3436	3474	3509	4000	4035
3399	3437	3475	3510	4001	
3400	3438	3476	3511	4002	
3401	3439	3477	3512	4003	
3402	3440	3478	3513	4004	
3403	3441	3479	3514	4005	
3404	3442	3480	3515	4006	

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ECF Filings & Discovery

Notice of Final Charge to the Jury (Phase One) and Special Verdict Form, April 30, 2012
Order re Copyrightability of Certain Replicated Elements of the Java Application Programming Interface, May 31, 2012
Order Re: Willfulness and Bifurcation, September 18, 2015
Order Re: Motion to Compel [Dkt. 1404], Docket No. 1436, January 20, 2016
Charts produced pursuant to Order re: Motion to Compel [Dkt. 1404], January 20, 2016
Order Re: Google's Motion to Strike, Docket No. 1479, February 5, 2016

Case Law

Brocade Communications Systems, Inc. v. A10 Networks, Inc., 2013 WL 831528 (N.D.Cal).
Computer Associates Int'l, Inc. v. Altai, Inc., 775 F.Supp. 544 (E.D.N.Y. 1991)
Computer Associates Int'l, Inc. v. Altai, Inc., 982 F.2d 693 (2nd Cir. 1992)

Other Produced Documents

Email from Daniel Purcell to Annette Hurst, November 8, 2015.
Memo on Exhibits 2c, 2g, 2h, 3b and Footnote 277, and 3d.3, February 23, 2016

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Public

App Annie Market Intelligence Data 2012-2013
 App Annie Market Intelligence Data 2012-2015
 comScore_Edgeworth_Mobile Metrix_q113&q115
 AppAnnie Daily DNA Data
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<http://developer.android.com/tools/sdk/ndk/index.html>
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http://finance.yahoo.com/news/look-much-apple-google-destroyed-203207630.html?_ylt=AwrC0CP2DdVWkngAQQfQtDMD;_ylu=X3oDMTByOHZyb21tBGNvbG8DYmYxBHBvcwMxBHZ0aWQDBHNIYwNzcg--
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Oracle America, Inc. v. Google, Inc.

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Exhibit 2

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Exhibit 3**Oracle Timeline of Selected Events**

- Mid-nineties** Sun develops the Java platform for computer programming and releases it. At that time, the API included seven packages of pre-written programs.¹
- 1996** At the first-ever JavaOne developer conference, more than 6,000 attendees gather to learn more about Java technology. According to Sun, “[w]ith a broad range of Java-related product announcements from Sun and other companies and an exhibit hall filled with more than 160 businesses displaying Java products and services, it appears that a whole new industry is growing around a language launched just a year earlier.”²
- 1997** “With approximately 400,000 developers working in Java, it is now the #2 programming language in the world. More than 10,000 developers flock to the second annual JavaOne developer conference, where Sun announces improved security and compatibility for Java and a range of licensees who plan to take Java beyond the desktop in futuristic devices such as smartcards.”³
- 1999** “Sun announces a redefined architecture for the Java platform that makes it simpler for software developers, service providers, and device manufacturers to target specific markets. According to Sun, “[w]ith the introduction of Java 2 Platform, Standard Edition (J2SE) for desktop and workstation devices; Java 2 Platform, Enterprise Edition (J2EE) for heavy-duty server systems; and Java 2 Platform, Micro Edition (J2ME) for consumer devices, it’s now easier to capitalize on the Java platform for a growing range of opportunities.”⁴
- 2004** According to Sun, “[a]t the JavaOne developer conference, the big debate is whether Java should be open sourced. Currently, Sun requires that projects officially based on Java be certified as compatible with the Java specification; amendments to Java must go through Java Community Process (JCP) procedures.”
- “Open source advocates seek a freer path for Java. During a panel discussion at JavaOne, representatives from IBM and the Apache Software Foundation endorse an open source model for Java, while Java creator and Sun Fellow James Gosling, along with Sun Vice President and Fellow Rob Gingell and Red Monk Analyst James Governor oppose the move. Gosling warns that allowing multiple, open source implementations of Java technologies could yield the incompatibilities that happened with Unix and is happening again with Linux distributions.”⁵

¹ Java Timeline, 1995 – 2015, available at <http://oracle.com.edgesuite.net/timeline/java>; Trial Testimony of Mark Reinhold, Trial Transcript Vol. 3, April 18, 2012, p. 631.

² Java Timeline, 1995 – 2015, available at <http://oracle.com.edgesuite.net/timeline/java>.

³ Java Timeline, 1995 – 2015, available at <http://oracle.com.edgesuite.net/timeline/java>.

⁴ Java Timeline, 1995 – 2015, available at <http://oracle.com.edgesuite.net/timeline/java>.

⁵ Java Timeline, 1995 – 2015, available at <http://oracle.com.edgesuite.net/timeline/java>.

- 2005** Java celebrates its tenth anniversary with huge celebrations at the JavaOne developer conference and at Sun headquarters. Sun estimates Java now drives more than \$100 billion of business annually. It counts more than 4.5 million Java developers, 2.5 billion Java-enabled devices, and 1 billion Java technology-enabled smart cards. Analyst firm Ovum estimates that 708 million Java-enabled handsets were circulating by June 2005.⁶
- Jul 11, 2005** Google acquires Android Inc.⁷ as part of its mobile strategy. At the time, Android was a 22-month old start up based in Palo Alto, California. The acquisition “brings to Google a wealth of talent, including co-founder Andy Rubin, who previously started mobile-device maker Danger Inc.”⁸
- 2005-2006** Shortly after Google acquired Android, Inc.,⁹ Sun and Google engage in a series of negotiations, which Sun referred to as “Project Armstrong.”¹⁰
- Sep 2005** - Sun sends Google draft agreements for standard Java ME licenses; Google indicates it is seeking an approach that would allow an open-source implementation.¹¹
- Oct 11, 2005** – “In October 2005, following “discussions with Sun regarding Android’s Open Source VM strategy,” Google’s then Senior Vice President, Andy Rubin, remarked in an e-mail, “If Sun doesn’t want to work with us, we have two options: 1) Abandon our work and adopt MSFT CLR VM and C# language – or – 2) Do Java anyway and defend our decision, perhaps making enemies along the way.”¹²
- In addition, Andy Rubin writes to Larry Page that Alan Brenner of Sun was concerned that “by open sourcing our J2ME VM we will make licensing ‘enforceability’ impossible for Sun – and he will lose revenue.”¹³
- Jan 2006** – Andy Rubin tells Sergey Brin and Larry Page that, in connection with the Android deal, Sun was “prepared to walk away from a \$100M annual J2ME licensing business into an open source business model.”¹⁴ In other words, Google knew that Sun actually expected to lose hundreds of millions of dollars per year in turning to an open-source business model by licensing Java for use in Android.¹⁵
- Jan 2006** – “Google internally discussed a possible co-development partnership deal under which Java technology would become an open-source part of the Android platform. The deal was projected to cost Google \$25-50 million, plus a negotiable share of revenue from

⁶ Java Timeline, 1995 – 2015, available at <http://oracle.com.edgesuite.net/timeline/java>.

⁷ Trial Exhibit 1061 at 131; see also, GOOGLE-01-00056184 – 202 at 195; Deposition of Andrew Rubin, April 5, 2011, p. 20.

⁸ “Google Buys Android for Its Mobile Arsenal”, Bloomberg Businessweek, August 16, 2005.

⁹ Deposition of Andrew Rubin, April 5, 2011, pp. 12-13.

¹⁰ Project Armstrong: Business Model, February 2006, OAGOOGL0100166874 – 899.

¹¹ Email exchange between Leo Cizek and Andy Rubin, September 19, 2005, OAGOOGL0100167795 - 798 at 797.

¹² GOOGLE-01-00019527-528 at 528; Deposition of Andrew Rubin, April 5, 2011, p. 20.

¹³ Email between Andy Rubin and Larry Page, October 11, 2005, GOOGLE-01-00019527 – 528 at 527.

¹⁴ Email from Andy Rubin to Sergey Brin, et al., January 13, 2006, GOOGLE-26-00007930.

¹⁵ Email from Eric Chu to Alan Brenner, et al., November 21, 2005, OAGOOGL0100072597; Deposition of Eric Chu, April 28, 2011, p. 50.

“platform-enabled mobile ads.” The record however, contains no evidence that Google actually proposed this idea to Sun.”¹⁶

Feb. 8, 2006 – The first formal financial proposal made by Sun to Google – proposes “\$20 Million per year for 3 year” and “10% of revenue generated by Google on handsets running ‘Open Source Java Linux Mobile Platform’ or derivatives with a cap of \$25 Million a year (when and if google monetizes – then this becomes effective. We added the cap as per Rich’s request . . .)”¹⁷ Google rejected Sun’s offer.¹⁸

Apr. 27, 2006 – Email from Jonathan Schwartz of Sun to Eric Schmidt of Google indicating that “[m]y team has alerted me that our negotiations to jointly create a Java-Linux mobile platform are at an impasse.”¹⁹

- Jan. 2007** Apple introduces the iPhone.
- Apr. 2007** Sun acquires SavaJe, a Java-based smartphone platform, [REDACTED].²⁰
- June 2007** The iPhone is first available for sale.
- Nov. 2007** Google publicly announces the Android platform.²¹
- 2008** Google and Sun engage in additional discussions regarding a license.²²
- Nov. 2008** Google releases Android and launches the Android phone.²³
- Mar. 2009** Larry Ellison sends Sun’s Board of Directors an offer to acquire certain pieces of Sun’s business.²⁴
- Apr. 19 2009** Oracle and Sun enter into the 2010 Sun/Oracle Merger.²⁵
- Jan. 2010** Oracle acquires Sun and renames it Oracle America, Inc.²⁶
- May 2010** Google TV, Google’s first attempt to create a TV platform based on Android, is announced on several devices, such as Sony Internet TV and the Logitech Revue, a set-top box device.²⁷

¹⁶ Order Granting In Part Motion to Strike Damages Report of Plaintiff Expert Iain Cockburn, July 22, 2011, p. 3.

¹⁷ Email from Vineet Gupta to Andy Rubin, February 8, 2006, OAGOOGL0000357494.

¹⁸ OAGOOGL0000358110 ..

¹⁹ Email from Jonathan Schwartz to Eric Schmidt, et al., April 27, 2006, GOOGLE-66-00000274.

²⁰ OAGOOGL0000424812 – 813 at 812; OAGOOGL0002304236-243 at 237.

²¹ Order Granting In Part Motion to Strike Damages Report of Plaintiff Expert Iain Cockburn, July 22, 2011, p. 3.

²² Deposition of Andrew Rubin, April 5, 2011, p. 14.

²³ Deposition of Andrew Rubin, April 5, 2011, p. 14. (But see, T-Mobile Unveils the T-Mobile G1 – the First Phone Powered by Android, http://www.t-mobile.com/company/PressReleases_Article.aspx?assetName=Prs_Prs_20080923 which indicates October 2008).

²⁴ OAGOOGL0000140115-130.

²⁵ Sun 2009 Form 10-K, p. 3.

²⁶ <http://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=34903>

²⁷ <https://googleblog.blogspot.com/2010/05/announcing-google-tv-tv-meets-web-web.html>;
<http://www.engadget.com/2010/06/18/logitech-revue-gets-official-google-tv-companion-box-coming-thi/>;
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- Aug 6, 2010** Rubin receives an internal (Google) email stating that the technical alternatives to using Java for Android “all suck” and stating “We conclude that we need to negotiate a license for Java under the terms we need.”²⁸
- Aug 12, 2010** Oracle files its initial complaint in this action.²⁹
- Oct. 28, 2010** According to the Supplemental Complaint, from this date “Google has continued to infringe Oracle’s copyrights in the Java platform. Since then, Google has released seven versions of Android:
- Gingerbread (released December 2010);
 - Honeycomb (released February 2011);
 - Ice Cream Sandwich (released October 2011);
 - Jelly Bean (released July 2012)
 - KitKat (released October 2013); and
 - Lollipop (released November 2014).³⁰
 - Marshmallow (released October 5, 2015).³¹

“These six named Android releases comprise approximately 40 major and minor releases of Android. . . . As with the previous versions of Android, these six Android releases copy thousands of lines of source code from the Java platform, as well as the structure, sequence and organization (“SSO”) of that platform as reflected in the asserted 37 Java API packages.”³²

According to the Supplemental Complaint:

- Android will still not work without these Java API packages.”³³
- Since Oracle filed the Amended Complaint in October 2010, Android has become the most widely used mobile platform in the world.³⁴
- There are over one billion active monthly Android users and more than 8,000 different devices running versions of Android.³⁵
- Users have downloaded more than 50 billion applications from Google Play on a catalog of more than 1.5 million apps.³⁶

²⁸ Trial Exhibit 10 – GOOGLE-12-10000022; GOOGLE-12-00039565; Deposition of Tim Lindholm, September 7, 2011, p. 102.

²⁹ Complaint for Patent and Copyright Infringement, August 12, 2010.

³⁰ Plaintiff Oracle’s Supplemental Complaint, August 12, 2015, p. 1.

³¹ <http://www.pocket-lint.com/news/134946-when-is-android-6-0-marshmallow-coming-to-my-phone>.

³² Plaintiff Oracle’s Supplemental Complaint, August 12, 2015, p. 1.

³³ Plaintiff Oracle’s Supplemental Complaint, August 12, 2015, p. 1.

³⁴ Plaintiff Oracle’s Supplemental Complaint, August 12, 2015, p. 2.

³⁵ Plaintiff Oracle’s Supplemental Complaint, August 12, 2015, p. 3.

³⁶ Plaintiff Oracle’s Supplemental Complaint, August 12, 2015, p. 3.

- Android use is also up as measured by advertising. By some accounts, Android is now the top mobile advertising platform as measured by total advertising revenue and by traffic.³⁷

- Oct 2010** Google TV devices launch.³⁸
- May 2011** Android hits 100 million activated Android devices.³⁹
- May 2011** Google announces Android@Home, “a software framework for Android that allows programmers to interact with various connected appliances such as light bulbs, thermostats, washing machines and more,” at Google I/O.⁴⁰
- Apr. 16, 2012** Trial begins in the matter of *Oracle v. Google*. The jury and court hear testimony from 24 witnesses.⁴¹
- May 7, 2012** The jury returned a verdict finding that Google infringed Oracle’s copyrights for the 37 asserted Java API packages and in the nine lines of the rangeCheck code. The jury deadlocked on Google’s fair use defense.⁴²
- May 31, 2012** U.S. District Court for the Northern District of California issues preliminary decision finding “that the replicated elements of the Java API packages – including the declarations and their structure, sequence, and organization-were not copyrightable.”⁴³
- Jun 20, 2012** The U.S. District Court for the Northern District of California enters final judgment in favor of Google and against Oracle on its claim for copyright infringement, except with respect to the rangeCheck function and the eight decompiled files.⁴⁴
- 2012** Android cumulative activations exceed 500 million.⁴⁵
- 2013** Android cumulative activations exceed 1 billion.⁴⁶
- May 9, 2014** The United States Court of Appeals for the Federal Circuit (“CAFC”) issues opinion concluding “that the declaring code and the structure, sequence, and organization of the API packages are entitled to copyright protection.”⁴⁷ The CAFC reversed the U.S. District Court

³⁷ Plaintiff Oracle’s Supplemental Complaint, August 12, 2015, p. 3, (reporting Android has three times the market share of mobile ad traffic as compared to its nearest competitor, iOS).

³⁸ <http://www.engadget.com/2010/10/06/logitech-revue-with-google-tv-details-299-for-keyboard-box-i/>; <http://www.cnet.com/products/sony-nxz-gt1-google-tv/>; <http://www.theverge.com/products/nsx-24gt1/2024>; <http://www.theverge.com/products/nsx-40gt1/2018>; <http://www.theverge.com/products/nsx-32gt1/2021>; <http://www.theverge.com/products/nsx-46gt1/2013>.

³⁹ <https://googleblog.blogspot.com/2011/05/android-momentum-mobile-and-more-at.html>.

⁴⁰ http://www.pcworld.com/article/227611/Google_Envisions_Automated_Home_with_Android_Home.html.

⁴¹ *Oracle America, Inc. v. Google Inc.*, 750 F.3d 1339, 1351 (Fed. Cir. 2014).

⁴² *Oracle America, Inc. v. Google Inc.*, 750 F.3d 1339, 1352 (Fed. Cir. 2014).

⁴³ *Oracle America, Inc. v. Google Inc.*, 750 F.3d 1339, 1352 (Fed. Cir. 2014).

⁴⁴ *Oracle America, Inc. v. Google Inc.*, 750 F.3d 1339, 1348 (Fed. Cir. 2014).

⁴⁵ GOOG-00022382.

⁴⁶ GOOG-00022382.

⁴⁷ *Oracle America, Inc. v. Google Inc.*, 750 F.3d 1339 at 1348 (Fed. Cir. 2014).

for the Northern District of California with instructions to reinstate the jury's infringement finding as to the 37 Java packages. The CAFC also granted "Oracle's motion for JMOL as to the eight decompiled Java files that Google copied into Android," and denied "Google's motion for JMOL with respect to the rangeCheck function."⁴⁸

Oct. 2014 Android TV, Google's successor Android-based platform to Google TV, is announced on the Nexus Player, a set-top box device.⁴⁹

2014 Android cumulative activations exceed 2 billion.⁵⁰

⁴⁸ *Oracle America, Inc. v. Google Inc.*, 750 F.3d 1339 at 1348 (Fed. Cir. 2014).

⁴⁹ Nexus Player is Google's first Android TV device, <http://www.theverge.com/2014/10/15/6982375/google-nexus-player-android-tv-set-top-box-announced>.

⁵⁰ GOOG-00022382.

*Oracle America, Inc. v. Google, Inc.***SUN MICROSYSTEMS, INC. R&D AS A PERCENT OF REVENUE**

Exhibit 4

	Revenue	R&D	R&D as a Percent of Revenue
1990 [1]	\$2,466,000,000	\$302,000,000	12.2%
1991 [1]	3,221,000,000	356,000,000	11.1%
1992 [1]	3,589,000,000	382,000,000	10.6%
1993 [1]	4,309,000,000	445,000,000	10.3%
1994 [1]	4,690,000,000	455,000,000	9.7%
1995 [2]	5,901,885,000	562,895,000	9.5%
1996 [2]	7,094,751,000	653,044,000	9.2%
1997 [2]	8,598,346,000	825,968,000	9.6%
1998 [3]	9,862,000,000	1,029,000,000	10.4%
1999 [3]	11,806,000,000	1,280,000,000	10.8%
2000 [4]	15,721,000,000	1,630,000,000	10.4%
2001 [4]	18,250,000,000	2,016,000,000	11.0%
2002 [4]	12,496,000,000	1,832,000,000	14.7%
2003 [4]	11,434,000,000	1,837,000,000	16.1%
2004 [4]	11,185,000,000	1,926,000,000	17.2%
2005 [5]	11,070,000,000	1,785,000,000	16.1%
2006 [5]	13,068,000,000	2,046,000,000	15.7%
2007 [5]	13,873,000,000	2,008,000,000	14.5%
2008 [5]	13,880,000,000	1,834,000,000	13.2%
2009 [5]	11,449,000,000	1,648,000,000	14.4%
Total	<u><u>\$193,963,982,000</u></u>	<u><u>\$24,852,907,000</u></u>	<u><u>12.8%</u></u>

Notes:

[1] Sun Microsystems, Inc. SEC Form 10-K for the fiscal year ended June 30, 1994, Exhibit 13, p. 1.

[2] Sun Microsystems, Inc. SEC Form 10-K for the fiscal year ended June 30, 1997, Exhibit 11, p. 26.

[3] Sun Microsystems, Inc. SEC Form 10-K for the fiscal year ended June 30, 2002, p. 21.

[4] Sun Microsystems, Inc. SEC Form 10-K for the fiscal year ended June 30, 2004, p. 17.

[5] Sun Microsystems, Inc. SEC Form 10-K for the fiscal year ended June 30, 2009, p. 25.

*Oracle America, Inc. v. Google, Inc.***ORACLE STATEMENT OF OPERATIONS**

Exhibit 5

<i>(in millions)</i>	<u>FY 2010 [1]</u>	<u>FY 2011 [1]</u>	<u>FY 2012 [1]</u>	<u>FY 2013 [2]</u>	<u>FY 2014 [2]</u>	<u>FY 2015 [2]</u>
Revenues						
New Software Licenses	\$7,533	\$9,235	\$9,906	\$9,411	\$9,416	\$8,535
Cloud Software as a Service and Platform as a Service	n/a	n/a	n/a	910	1,121	1,485
Cloud Infrastructure as a Service	n/a	n/a	n/a	457	456	608
Software License Updates and Product Support	<u>13,092</u>	<u>14,796</u>	<u>16,210</u>	<u>17,142</u>	<u>18,206</u>	<u>18,847</u>
Software and Cloud Revenues	\$20,625	\$24,031	\$26,116	\$27,920	\$29,199	\$29,475
Hardware Systems Products	\$1,506	\$4,382	\$3,827	\$3,033	\$2,976	\$2,825
Hardware Systems Support	<u>784</u>	<u>2,562</u>	<u>2,475</u>	<u>2,313</u>	<u>2,396</u>	<u>2,380</u>
Hardware Systems Revenues	\$2,290	\$6,944	\$6,302	\$5,346	\$5,372	\$5,205
Services Revenues	<u>\$3,905</u>	<u>\$4,647</u>	<u>\$4,703</u>	<u>\$3,914</u>	<u>\$3,704</u>	<u>\$3,546</u>
Total Revenues	<u><u>\$26,820</u></u>	<u><u>\$35,622</u></u>	<u><u>\$37,121</u></u>	<u><u>\$37,180</u></u>	<u><u>\$38,275</u></u>	<u><u>\$38,226</u></u>
Operating Expenses						
Sales and Marketing	\$5,080	\$6,579	\$7,127	\$7,062	\$7,567	\$7,655
Cloud Software as a Service and Platform as a Service	n/a	n/a	n/a	327	455	773
Cloud Infrastructure as a Service	n/a	n/a	n/a	304	308	344
Software License Updates and Product Support	1,063	1,264	1,226	1,175	1,162	1,199
Hardware Systems Products	880	2,057	1,843	1,501	1,521	1,471
Hardware Systems Support	423	1,259	1,046	890	836	816
Services	3,398	3,818	3,743	3,182	2,954	2,929
Research and Development	3,254	4,519	4,523	4,850	5,151	5,524
General and Administrative	911	970	1,126	1,072	1,038	1,077
Amortization of Intangible Assets	1,973	2,428	2,430	2,385	2,300	2,149
Acquisition Related and Other	154	208	56	-604	41	211
Restructuring	<u>622</u>	<u>487</u>	<u>295</u>	<u>352</u>	<u>183</u>	<u>207</u>
Total Operating Expenses	<u><u>\$17,758</u></u>	<u><u>\$23,589</u></u>	<u><u>\$23,415</u></u>	<u><u>\$22,496</u></u>	<u><u>\$23,516</u></u>	<u><u>\$24,355</u></u>

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Oracle America, Inc. v. Google, Inc.

ORACLE STATEMENT OF OPERATIONS

Exhibit 5

<i>(in millions)</i>	<u>FY 2010 [1]</u>	<u>FY 2011 [1]</u>	<u>FY 2012 [1]</u>	<u>FY 2013 [2]</u>	<u>FY 2014 [2]</u>	<u>FY 2015 [2]</u>
Operating Income	\$9,062	\$12,033	\$13,706	\$14,684	\$14,759	\$13,871
<i>Operating Income %</i>	<i>33.8%</i>	<i>33.8%</i>	<i>36.9%</i>	<i>39.5%</i>	<i>38.6%</i>	<i>36.3%</i>
Interest Expense	-754	-808	-766	-797	-914	-1,143
Non-Operating Income (Expense), Net	<u>-65</u>	<u>186</u>	<u>22</u>	<u>11</u>	<u>-141</u>	<u>106</u>
Income Before Provision for Income Taxes	\$8,243	\$11,411	\$12,962	\$13,898	\$13,704	\$12,834
Provision for Income Taxes	2,108	2,864	2,981	2,973	2,749	2,896
Net Income	<u>\$6,135</u>	<u>\$8,547</u>	<u>\$9,981</u>	<u>\$10,925</u>	<u>\$10,955</u>	<u>\$9,938</u>
<i>Net Income %</i>	<i>22.9%</i>	<i>24.0%</i>	<i>26.9%</i>	<i>29.4%</i>	<i>28.6%</i>	<i>26.0%</i>

Notes:

[1] Oracle Annual Report, 10-K for fiscal year ended May 31, 2012, p. 85.

[2] Oracle Annual Report, 10-K for fiscal year ended May 31, 2015, p. 87.

*Oracle America, Inc. v. Google, Inc.***GOOGLE ANNUAL STATEMENTS OF INCOME**

Revised Exhibit 6 (Revised February 29, 2016)

<i>(in millions)</i>	<u>2008 [1]</u>	<u>2009 [2]</u>	<u>2010 [2]</u>	<u>2011 [2]</u>	<u>2012 [3]</u>	<u>2013 [4]</u>	<u>2014 [4]</u>	<u>2015 [4]</u>
Advertising Revenues								
Google Websites	\$14,414	\$15,723	\$19,444	\$26,145	\$31,221	\$37,422	\$45,085	\$52,357
Google Network Member's Websites [5]	6,715	7,166	8,792	10,386	12,465	13,650	14,539	15,033
Total Advertising Revenues	<u>21,129</u>	<u>22,889</u>	<u>28,236</u>	<u>36,531</u>	<u>43,686</u>	<u>51,072</u>	<u>59,624</u>	<u>67,390</u>
Other Revenues [6]	<u>667</u>	<u>762</u>	<u>1,085</u>	<u>1,374</u>	<u>2,353</u>	<u>4,447</u>	<u>6,377</u>	<u>7,599</u>
Total Revenue	<u><u>\$21,796</u></u>	<u><u>\$23,651</u></u>	<u><u>\$29,321</u></u>	<u><u>\$37,905</u></u>	<u><u>\$46,039</u></u>	<u><u>\$55,519</u></u>	<u><u>\$66,001</u></u>	<u><u>\$74,989</u></u>
Cost and Expenses								
Cost of Revenues	\$8,622	\$8,844	\$10,417	\$13,188	\$17,176	\$21,993	\$25,691	\$28,164
Research & Development	2,793	2,843	3,762	5,162	6,083	7,137	9,832	12,282
Sales and Marketing	1,946	1,984	2,799	4,589	5,465	6,554	8,131	9,047
General and Administrative	1,803	1,668	1,962	2,724	3,481	4,432	5,851	6,136
Charge - Resolution of DOJ Investigation	-	-	-	500	-	-	-	-
Total Costs and Expenses	<u>\$ 15,164</u>	<u>\$ 15,339</u>	<u>\$ 18,940</u>	<u>\$ 26,163</u>	<u>\$ 32,205</u>	<u>\$ 40,116</u>	<u>\$ 49,505</u>	<u>\$ 55,629</u>
Income from Operations	\$6,632	\$8,312	\$10,381	\$11,742	\$13,834	\$15,403	\$16,496	\$19,360
Impairment of Equity Investments	-1,095	-	-	-	-	-	-	-
Interest and Other Income, Net	<u>316</u>	<u>69</u>	<u>415</u>	<u>584</u>	<u>635</u>	<u>496</u>	<u>763</u>	<u>291</u>
Income from Continuing Ops Before I.T.	\$5,854	\$8,381	\$10,796	\$12,326	\$14,469	\$15,899	\$17,259	\$19,651
Provision for Income Taxes	<u>1,627</u>	<u>1,861</u>	<u>2,291</u>	<u>2,589</u>	<u>2,916</u>	<u>2,739</u>	<u>3,639</u>	<u>3,303</u>
Net Income from Continuing Operations	\$4,227	\$6,520	\$8,505	\$9,737	\$11,553	\$13,160	\$13,620	\$16,348
Net Income (Loss) from Discontinued Ops	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-816</u>	<u>-427</u>	<u>516</u>	<u>-</u>
Net Income	<u><u>\$4,227</u></u>	<u><u>\$6,520</u></u>	<u><u>\$8,505</u></u>	<u><u>\$9,737</u></u>	<u><u>\$10,737</u></u>	<u><u>\$12,733</u></u>	<u><u>\$14,136</u></u>	<u><u>\$16,348</u></u>

Oracle America, Inc. v. Google, Inc.

GOOGLE ANNUAL STATEMENTS OF INCOME

Revised Exhibit 6 (Revised February 29, 2016)

Notes:

- [1] Google Annual Report, 10-K for year ended December 31, 2008, pp. 42, 65.
- [2] Google Annual Report, 10-K for year ended December 31, 2011, pp. 30, 52.
- [3] Google Annual Report, 10-K for year ended December 31, 2014, pp. 23, 44.
- [4] Google Annual Report, 10-K for year ended December 31, 2015, pp. 25, 49.
- [5] Revenues from Google Network Members' Websites include revenues generated primarily through advertising programs including AdSense for Search, AdSense for Content, AdExchange, AdMob, and DoubleClick Bid Manager. Google Annual Report, 10-K for year ended December 31, 2014, p. 23.
- [6] Other Revenues are mostly attributable to digital content products, such as apps, music, and movies on the Google Play store. "Other Bets revenues" has been included in "Other Revenues". I understand that Google reclassified certain 2013 and 2014 revenue related to DoubleClick ad serving software from Google Other Revenues to Advertising Revenues from Google Network Member's Websites. See Google Annual Report, 10-K for year ended December 31, 2015, p. 25.

Oracle America, Inc. v. Google, Inc.

SUMMARY OF ANDROID REPORTED OPERATING RESULTS

Revised Exhibit 7 (Revised February 29, 2016)

(in millions)

	<u>2008 [1]</u>	<u>2009 [2]</u>	<u>2010 [3]</u>	<u>2011 [4]</u>	<u>2012 [4]</u>	<u>2013 [4]</u>	<u>2014 [4]</u>	<u>2015 [4]</u>	<u>Total</u>
Revenue									
Ad Revenue [5]	\$0.7	\$15.7	\$120.1	\$569.4	\$2,152.4				
Apps	n/a	1.1	8.0	36.2	136.1				
Digital Content	0.0	0.0	0.0	14.8	105.8				
Hardware	0.0	0.0	115.2	0.0	303.5				
Total Revenue	0.7	16.8	243.3	620.4	2,697.8				
Cost of Sales									
Traffic Acquisition Costs [6]	\$0.2	\$2.9	\$41.3	\$85.0	\$460.5				
Apps	0.0	0.0	0.0	0.0	62.2				
Digital Content	0.0	0.0	0.0	23.5	169.5				
Hardware	0.0	0.0	109.9	-0.2	340.6				
Infrastructure & Other COS	0.2	0.8	4.3	67.9	95.0				
Total Cost of Sales	0.4	3.7	155.5	176.2	1,127.7				
Gross Profit	\$0.3	\$13.1	\$87.8	\$444.2	\$1,570.0				
Direct Operating Expenses									
Sales and Other	\$0.9	\$3.2	\$5.2	\$16.3	\$37.3				
Marketing	12.3	16.6	53.3	53.9	225.3				
Engineering (EngPM)	86.3	43.1	107.7	192.3	380.4				
Legal	1.0	2.1	32.2	160.5	113.7				
Total Expenses	\$100.5	\$65.0	\$198.4	\$423.0	\$756.7				
Product Contribution	-\$100.2	-\$51.9	-\$110.6	\$21.2	\$813.3				
Contribution Margin as % of Gross Rev			-45.5%	3.4%	30.1%				

[7]

Oracle America, Inc. v. Google, Inc.

SUMMARY OF ANDROID REPORTED OPERATING RESULTS

Revised Exhibit 7 (Revised February 29, 2016)

Notes:

- [1] Android OC Quarterly Review - Q1 2009, GOOGLE-00303725 at 739.
- [2] Android OC Quarterly Review - Q4 2010, October 12, 2010, GOOGLE-01-00053552 at 556.
- [3] Android OC Quarterly Review - Q1 2011, May 03, 2011, GOOGLE-77-00053555 at 562.
- [4] GOOG-00103813 - Android Profit and Loss for years 2011 to 2015, Q4 2015 amounts are Google forecasts.
- [5] Exhibit 8.
- [6] For 2011 - 2015, see Exhibit 7.2. Includes Traffic Acquisition Costs for AdSense and Display.
- [7] According to Dr. Leonard, "Total Android legal expenses include a conservative deduction of [REDACTED] for legal expenses from the previous Google-Oracle litigation." (see Notes to Leonard Exhibit 1a.1). Consistent with this disclosure, I have reduced total Legal Expense by [REDACTED].

Oracle America, Inc. v. Google, Inc.

CALCULATION OF ANDROID ESTIMATED NETWORK MEMBER TRAFFIC ACQUISITION COSTS

Revised Exhibit 7.1 (Revised February 29, 2016)

<i>(in millions)</i>	<u>2011 [1]</u>	<u>2012 [2]</u>	<u>2013 [3]</u>	<u>2014 [3]</u>	<u>2015 [3]</u>
Google Total Ad Revenue	\$36,531.0	\$43,686.0	\$51,072.0	\$59,624.0	\$67,390.0
Total Network Member TAC	<u>\$7,294.0</u>	<u>\$8,791.0</u>	<u>\$9,293.0</u>	<u>\$9,864.0</u>	<u>\$10,242.0</u>
Network Member TAC as % of Ad Revenue	20.0%	20.1%	18.2%	16.5%	15.2%
Android Total Ad Revenue [4]	<u>\$569.4</u>	<u>\$2,152.4</u>	<u>████████</u>	<u>████████</u>	<u>████████</u>
Android Network Member TAC	<u><u>\$113.7</u></u>	<u><u>\$433.1</u></u>	<u><u>████████</u></u>	<u><u>████████</u></u>	<u><u>████████</u></u>

Notes:

[1] Google Annual Report, 10-K for year ended December 31, 2011, p. 30 and 33.

[2] Google Annual Report, 10-K for year ended December 31, 2014, p. 23 and 26.

[3] Google Annual Report, 10-K for year ended December 31, 2015, p. 25 and 31.

[4] Revised Exhibit 7 (Revised February 29, 2016).

Oracle America, Inc. v. Google, Inc.

CALCULATION OF ANDROID-RELATED ADSENSE AND DISPLAY TRAFFIC ACQUISITION COSTS

Exhibit 7.2 (Created February 29, 2016)

<i>(in millions)</i>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015 [4]</u>
Android AdSense Ad Revenue [1]	\$43.2	\$238.6	██████	██████	██████
AdSense TAC Percentage [2]	70.7%	71.1%	██████	██████	██████
Android AdSense TAC	\$30.5	\$169.6	██████	██████	██████
Android Display Ad Revenue [1]	\$88.3	\$468.9	██████	██████	██████
Display TAC Percentage [3]	61.6%	62.0%	██████	██████	██████
Android Display TAC	\$54.4	\$290.9	██████	██████	██████
Total AdSense and Display TAC	<u>\$85.0</u>	<u>\$460.5</u>	<u>██████</u>	<u>██████</u>	<u>██████</u>

Notes:

[1] Revised Exhibit 8.1 (Revised February 29, 2016).

[2] Exhibit 7.3.

[3] Exhibit 7.4.

[4] 2015 TAC percentages reflect 2014 figures.

*Oracle America, Inc. v. Google, Inc.***CALCULATION OF GOOGLE'S ANNUAL ADSENSE TAC PERCENTAGE - 2008 TO 2014 [1]**

Exhibit 7.3 (Created February 29, 2016)

Month	AdSense Revenue	AdSense TAC	% TAC
January-08			
February-08			
March-08			
April-08			
May-08			
June-08			
July-08			
August-08			
September-08			
October-08			
November-08			
December-08			
Total/Average-08			
January-09			
February-09			
March-09			
April-09			
May-09			
June-09			
July-09			
August-09			
September-09			
October-09			
November-09			
December-09			
Total/Average-09			

*Oracle America, Inc. v. Google, Inc.***CALCULATION OF GOOGLE'S ANNUAL ADSENSE TAC PERCENTAGE - 2008 TO 2014 [1]**

Exhibit 7.3 (Created February 29, 2016)

Month	AdSense Revenue	AdSense TAC	% TAC
January-10			
February-10			
March-10			
April-10			
May-10			
June-10			
July-10			
August-10			
September-10			
October-10			
November-10			
December-10			
Total/Average-10			
January-11			
February-11			
March-11			
April-11			
May-11			
June-11			
July-11			
August-11			
September-11			
October-11			
November-11			
December-11			
Total/Average-11			

*Oracle America, Inc. v. Google, Inc.***CALCULATION OF GOOGLE'S ANNUAL ADSENSE TAC PERCENTAGE - 2008 TO 2014 [1]**

Exhibit 7.3 (Created February 29, 2016)

Month	AdSense Revenue	AdSense TAC	% TAC
January-12			
February-12			
March-12			
April-12			
May-12			
June-12			
July-12			
August-12			
September-12			
October-12			
November-12			
December-12			
Total/Average-12			
January-13			
February-13			
March-13			
April-13			
May-13			
June-13			
July-13			
August-13			
September-13			
October-13			
November-13			
December-13			
Total/Average-13			

Oracle America, Inc. v. Google, Inc.

CALCULATION OF GOOGLE'S ANNUAL ADSENSE TAC PERCENTAGE - 2008 TO 2014 [1]

Exhibit 7.3 (Created February 29, 2016)

Month	AdSense Revenue	AdSense TAC	% TAC
January-14			
February-14			
March-14			
April-14			
May-14			
June-14			
July-14			
August-14			
September-14			
October-14			
November-14			
December-14			
Total/Average-14			

Notes:

[1] GOOG-00022381.